

2-26-01

GAV/1711

**CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL (Small Entity)**

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

Docket No.

23267/16D1

☐ **DUPLICATE** (Check box if applicable)

First Named Inventor

Examiner

Group/Art Unit

Boyce D. Burts, Jr.

U. Rajguru

1711

## Address to:

 Assistant Commissioner for Patents  
Box CPA  
Washington, D.C. 20231

This is a request for filing a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 09/307,545 filed on 05/07/99 and entitled:

Well Kill Additive, Well Kill Treatment Fluid Made Therefrom, and Method of Killing a Well

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. ☐ This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
- a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

The PTO did not receive the following listed item(s) a check for \$355

- b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent is enclosed.
5. ☒ Small Entity Status:
- a. ☐ A small entity statement is enclosed.
- b. ☒ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
6. ☐ The fee for this application is calculated as follows:

## CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims		- 20 =	0	x \$11.00	\$0.00
Indep. Claims		- 3 =	0	x \$41.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$355.00
TOTAL FILING FEE					\$355.00

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Small Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

7. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to  
Deposit Account No. 07-1245

- ☐ fees required under 37 C.F.R. 1.16.
- ☐ fees required under 37 C.F.R. 1.17.
- ☐ fees required under 37 C.F.R. 1.18.

8. ☒ A check in the amount of \$355.00 is enclosed.

9. ☐ An Information Disclosure Statement (IDS) is enclosed:

- a. ☐ PTO-1449
- b. ☐ Copies of IDS Citations

10. ☒ Also enclosed:

**Certificate of Mailing**

**Change of Correspondence**

**Petition for Three Month Extension of Time with Check No. 1528 in the amount of \$445.00 for the Fee**

11. ☐ The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below:

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Small Entity)  
(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))



**NOTES**

Submit an original, and a duplicate for fee processing.

**FILING QUALIFICATIONS:** The prior application must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.


**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or application in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

Dated: February 23, 2001

RECEIVED  
FEB 28 2001  
TO 1300 MAIL ROOM  
  
Signature

J.M. (MARK) GILBRETH

Typed or printed name

33,388

Registration Number (if applicable)

- ☐ Inventor(s)  
☐ Assignee of complete interest  
☒ Attorney or agent of record

cc:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Boyce D. Burts, Jr. §

ART UNIT NO.: 1711

FILED: May 7, 1999 §

EXAMINER: U, Rajguru §

SERIAL NO.: 09/307,545 §

TITLE: *Well Kill Additive, Well Kill  
Treatment Fluid Made Therefrom,  
and Method of Killing a Well* §

ATTORNEY DOCKET NO. 23267/16D1 §

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10 BY EXPRESS MAIL

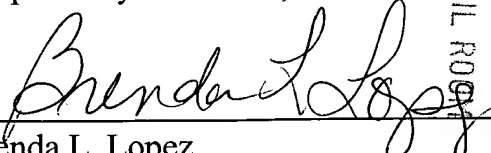
The Assistant Commissioner of Patents  
BOX CPA  
Washington, DC 20231

Dear Sir:

I hereby certify that the following documents, which are attached, are being deposited, under 37 CFR § 1.10, with the United States Postal Service "Express Mail Post Office to Addressee" service as Express Mail **EL 855 100 861 US** in an envelope addressed to: The Assistant Commissioner of Patents, **BOX CPA**, Washington, DC 20231, on **February 23, 2001**.

- (1) **Continued Prosecution Application (CPA);**
- (2) **Petition for Three Month Extension of Time** included with Check No.1528 in the amount of \$445.00 for the fee;
- (3) **Change of Correspondence Address; and,**
- (4) **Return Postcard.**

Respectfully submitted,

  
Brenda L. Lopez  
(Person Mailing)

Date: February 23, 2001

GILBRETH & ASSOCIATES, P.C.  
PO Box 61305  
HOUSTON, TEXAS 77208-1305  
713/227-1200

RECEIVED  
FEB 28 2001  
TC 1700 MAIL ROOM